

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WILLIAM JOSEPH WEBB JR.,
Plaintiff,

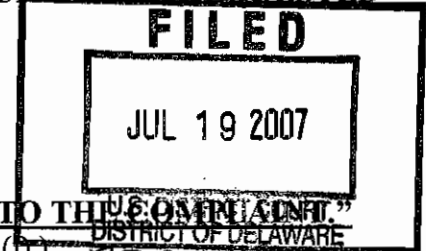
v.

FIRST CORRECTIONAL MEDICAL,
ET. AL.,
Defendants.

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Civ. Act. No. : 07-31-GMS

JURY TRIAL REQUESTED



MOTION TO STRIKE "STATE DEFENDANTS' ANSWER TO THE COMPLAINT"

(Pursuant to Fed. Rules of Civil Proc. Rule 12 (f))

Comes now, Plaintiff, William Joseph Webb Jr. acting Pro Se respectfully requesting the Court to

Strike the Answer to the Complaint filed by State Defendants "Minner" and "Taylor" via their attorney,

Eileen Kelly for the following good cause shown:

1. The answer to the complaint was not properly served on all remaining defendants.
2. When filing paperwork whether by mail or e-filing, proper certificate of service shall be made to all parties or be subject to be stricken from the record as a nonconforming document in violation of all applicable civil rules. (Memorandum Order May 7, 2007, at page 3 paragraph 6.)
3. A nonconforming document that is filed shall be stricken from the record until the proper procedure for filing said document is filed. (Memorandum Order May 7, 2007, at page 3 paragraph 6.)
4. The acting attorney has not shown any good or justifiable reason for her failure to not have served the proper amount of copies to the remaining defendants "FCM", "Dr. Niaz", "Wolken", and "Dr. Ali", since the other defendants are Jane/John Does it was not necessary. (Memorandum Order May 7, 2007, at page 3 paragraph 6.)
5. Furthermore, the Attorney of Record for "CMS" has not stated if it is representing any of the other defendants that worked for "CMS" at the relevant times listed in the complaint.

6. The Plaintiff has shown good cause to strike the Answer to the Complaint filed by defendants "Minner" and "Taylor" via their attorney, Eileen Kelly.

RELIEF REQUESTED:

Due to the failure of Eileen Kelly to properly serve notice to all defendants as stated in the Memorandum Order dated May 7, 2007, at page 3 paragraph 6 in the instant subject matter, Plaintiff respectfully requests that His Motion to Strike be granted for all the good cause shown and a default judgment be entered against defendants "Minner" and "Taylor." Also, any other orders of relief the Plaintiff may be entitled to including but not limited to compensation, an automatic summary judgment in His favor entitling Him to monetary relief, as well as, declaratory and/or injunctive relief, along with any relief the Court may deem appropriate in this matter.

Dated: July 16, 2007

Respectfully Submitted,



William Joseph Webb Jr.

#256056 / D/E F17T

1181 PADDOCK ROAD

SMYRNA, DE 19977

Certificate of Service

I, William J. Webb Jr. hereby certify that I have served a true and correct copy(ies) of the attached Motion upon the following parties/persons:

To: Eileen Kelly

Dept. of Justice

820 North French St.

Wilmington, DE 19801

To: Megan Trocki Mantzavinos

& Ryan M. Ernst

913 Market Street, #800

Wilmington, DE 19801

To: *First Correctional Medical*
6861 North Oracle Rd.
Tucson, AZ 85704

To: *Ms. Gina Wolken,*
Dr. Ali, and
Dr. Nizer
1181 Paddock Road
Smyrna, DE 19977

To:

To:

BY PLACING IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correction Center, Smyrna, DE 19977.

On this ¹⁶~~12~~th day of July, 2007



William J. Webb Jr.

SBI # 256056

1/M William Joseph Webb Jr.
SBI# 256056 UNIT 1/KF77
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



Clerk of the U.S. Dist. Ct.
844 King Street
Lockbox 18
Wilmington, DE
19801

